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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,345	09/30/2003	Ghyslain Pelletier	2380-791	3437
23117 7590 03/17/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
BLAIR, DOUGLAS B				
ART UNIT		PAPER NUMBER		
2142				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,345

Applicant(s)

PELLETIER ET AL.

Examiner

DOUGLAS B. BLAIR

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 1/7/04

DETAILED ACTION

Claim Objections

Claims 1-32 are objected to because of the following informalities: It is unclear why meaningless phrases such as “characterized in that” and “characterized by” are claimed in bold faced type. Bold faced type should be reserved for illustrating key elements of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are directed towards means which are not disclosed as being separate hardware entities and therefore can only be interpreted as software. Software does not fit into a statutory category of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 15-23, and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,535,199 to Amri et al.

As to claim 1, Amri teaches a method for packet messaging in a communication system including a header compressor unit and a header decompressor unit, comprising the step of transmitting a mode change request involving a change from a first compression mode to a second compression mode from the header decompressor unit to the header compressor unit over a packet transfer link, and being characterized by the further steps of indicating, at the header compressor unit, rejection of the mode change request towards the header decompressor unit (col. 7, line 57-col. 8, line 29); performing, if the header decompressor unit is aware of the indicated rejection, a rejection acknowledgement action at the header decompressor unit, said rejection acknowledgement action implying a successful rejection (col. 7, line 57-col. 8, line 29); and remaining, at the header compressor unit, in the first compression mode in response to a successful rejection (col. 7, line 57-col. 8, line 29).

As to claim 2, Amri teaches the method of claim 1, characterized in that the indicating step comprises signaling, implicitly at or explicitly from the header compressor unit, rejection of the mode change request (col. 7, line 57-col. 8, line 29).

As to claim 3, Amri teaches the method of claim 2, characterized in that the indicating step comprises sending a mode change rejection message from the header compressor unit to the header decompressor unit (col. 7, line 57-col. 8, line 29).

As to claim 4, Amri teaches the method of claim 3, characterized in that the mode change rejection message comprises a redefined mode value (col. 7, line 57-col. 8, line 29).

As to claim 5, Amri teaches the method of claim 2, characterized in that the indicating step comprises ignoring, at the header compressor unit, the mode change request for a predetermined period of time (col. 7, line 57-col. 8, line 29).

As to claim 6, Amri teaches the method of claim 3 or-4, characterized by, in case of an unsuccessful rejection by the mode change rejection message, further rejection signaling by ignoring, at the header compressor unit, the mode change request for a predetermined period of time (col. 7, line 57-col. 8, line 29).

As to claim 7, Amri teaches the method of claim 1, characterized in that the rejection acknowledgement action involves decreasing the frequency of mode change request transmissions from the header decompressor unit in response to the indicated rejection (col. 7, line 57-col. 8, line 29).

As to claim 8, Amri teaches the method of claim 1, characterized in that the rejection acknowledgement action involves aborting further mode change request transmission from the header decompressor unit in response to the indicated rejection (col. 7, line 57-col. 8, line 29).

As to claim 9, Amri teaches the method of claim 8, characterized in that the rejection acknowledgement action involves sending a rejection acknowledgement message from the header decompressor unit to the header compressor unit in response to the indicated rejection (col. 7, line 57-col. 8, line 29).

As to claim 10, Amri teaches the method of claim 1, characterized by the further step of determining, at the header compression unit, whether the rejection was successful by monitoring the packet transfer link (col. 7, line 57-col. 8, line 29).

As to claim 11, Amri teaches the method of claim 1, characterized by the further step of changing to the second compression mode at the header compressor unit in case of an unsuccessful overall rejection procedure (col. 7, line 57-col. 8, line 29).

As to claim 12, Amri teaches the method of claim 1, characterized in that the header compressor unit is arranged to support only a subset of all possible compression modes (col. 7, line 57-col. 8, line 29).

As to claims 15-23 and 26-31, they are rejected for the same reasoning as claims 1-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-14, 24-25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,535,199 to Amri et al. in view of U.S. Patent Application Publication Number 2005/0195750 by Le et al.

As to claims 13 and 14, Amri teaches the method of claim 1 however Amri does not explicitly teach the use of rohc and the specifically claimed modes.

Le teaches a method of implementing header compression using rohc and the claimed modes of compression (paragraphs 27-30).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Amri regarding the rejection of header compression with the teachings of Le regarding rohc because rohc provides a more efficient manner for compressing packets.

Claims 24-25 and 32 are rejected for the same reasons as claims 13-14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Examiner, Art Unit 2142